

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**TWENTY-FIRST CENTURY
TECHNOLOGIES, INC.
Plaintiff**

v.

**SAMSUNG ELECTRONICS AMERICA,
INC., and SAMSUNG ELECTRONICS
CO., LTD.
Defendants.**

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:15-cv-01080-LY

PLAINTIFF’S ANSWER TO DEFENDANTS AMENDED COUNTERCLAIMS

Plaintiff Twenty-First Century Technologies, Inc. (“Plaintiff” or “TFC”) files this Answer in response to counterclaims asserted by Defendants Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively, “Samsung”) in their Amended Answer, Defenses, and Counterclaims to Plaintiff’s Complaint for Patent Infringement. (Dkt. 36).

THE PARTIES

1. TFC admits that Samsung Electronics America, Inc. is a corporation organized and existing under the laws of the State of New York, with a principal place of business located at 105 Challenger Road, Ridgefield Park, New Jersey 07660.

2. TFC admits that Samsung Electronics Co., Ltd., is a corporation organized under the laws of the Republic of Korea with a principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-Do, Korea 443-742.

3. Twenty-First Century Technologies, Inc. admits that it is a Delaware corporation with its headquarters and principal place of business at 2809 Vallarta Lane, Austin, Texas 78733.

JURISDICTION AND VENUE

4. TFC admits that Counter-Plaintiffs purport to bring counterclaims under 35

U.S.C. §§ 101 et. seq. and 28 U.S.C. §§ 2201 and 2202.

5. TFC admits that it filed the Complaint on November 30, 2015. TFC admits that it served the Complaint on Samsung on December 15, 2015.

6. TFC admits that it owns all right, title, and interest in U.S. Patents Nos. 6,199,996 (“the ’996 Patent”), 7,284,872 (“the ’872 Patent”), 7,883,227 (“the ’227 Patent”), and 8,540,384 (“the ’384 Patent”) (collectively, “Asserted Patents”).

7. TFC denies these allegations.

8. TFC denies these allegations.

9. TFC admits that an actual case and controversy exists between TFC and Samsung due to Samsung’s infringement of the Asserted Patents. TFC denies the remaining allegations.

10. TFC admits that this court has subject matter jurisdiction over Samsung’s counterclaims.

11. TFC admits that jurisdiction is proper in this Court.

12. TFC admits that venue is proper in this Court. All other allegations are denied.

FIRST COUNTERCLAIM
(Non-Infringement of the ’996 Patent)

13. TFC repeats and incorporates by reference its responses in paragraphs 1 through 12 of its Answer to Samsung’s Counterclaims, as set forth above.

14. TFC admits that an actual case and controversy exists between TFC and Samsung due to Samsung’s infringement of the ’996 patent.

15. TFC denies these allegations.

16. TFC denies that Samsung is entitled to declaratory judgment that it has not infringed the ’996 patent.

SECOND COUNTERCLAIM
(Non-Infringement of the '872 Patent)

17. TFC repeats and incorporates by reference its responses in paragraphs 1 through 16 of its Answer to Samsung's Counterclaims, as set forth above.

18. TFC admits that an actual case and controversy exists between TFC and Samsung due to Samsung's infringement of the '872 patent.

19. TFC denies these allegations.

20. TFC denies that Samsung is entitled to declaratory judgment that it has not infringed the '872 patent.

THIRD COUNTERCLAIM
(Non-Infringement of the '227 Patent)

21. TFC repeats and incorporates by reference its responses in paragraphs 1 through 20 of its Answer to Samsung's Counterclaims, as set forth above.

22. TFC admits that an actual case and controversy exists between TFC and Samsung due to Samsung's infringement of the '227 patent.

23. TFC denies these allegations.

24. TFC denies that Samsung is entitled to declaratory judgment that it has not infringed the '227 patent.

FOURTH COUNTERCLAIM
(Non-Infringement of the '384 Patent)

25. TFC repeats and incorporates by reference its responses in paragraphs 1 through 24 of its Answer to Samsung's Counterclaims, as set forth above.

26. TFC admits that an actual case and controversy exists between TFC and Samsung due to Samsung's infringement of the '384 patent.

27. TFC denies these allegations.

28. TFC denies that Samsung is entitled to declaratory judgment that it has not infringed the '384 patent.

**FIFTH COUNTERCLAIM
(Invalidity of the '996 Patent)**

29. TFC repeats and incorporates by reference its responses in paragraphs 1 through 28 of its Answer to Samsung's Counterclaims, as set forth above.

30. TFC admits that an actual case and controversy exists between TFC and Samsung due to Samsung's infringement of the '996 patent. TFC denies all other allegations.

31. TFC denies these allegations.

32. TFC denies that Samsung is entitled to declaratory judgment that the '996 patent is invalid under the requirements of one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112.

**SIXTH COUNTERCLAIM
(Invalidity of the '872 Patent)**

33. TFC repeats and incorporates by reference its responses in paragraphs 1 through 32 of its Answer to Samsung's Counterclaims, as set forth above.

34. TFC admits that an actual case and controversy exists between TFC and Samsung due to Samsung's infringement of the '872 patent. TFC denies all other allegations.

35. TFC denies these allegations.

36. TFC denies that Samsung is entitled to declaratory judgment that the '872 patent is invalid under the requirements of one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112.

**SEVENTH COUNTERCLAIM
(Invalidity of the '227 Patent)**

37. TFC repeats and incorporates by reference its responses in paragraphs 1 through 36 of its Answer to Samsung's Counterclaims, as set forth above.

38. TFC admits that an actual case and controversy exists between TFC and Samsung

due to Samsung's infringement of the '227 patent. TFC denies all other allegations.

39. TFC denies these allegations.

40. TFC denies that Samsung is entitled to declaratory judgment that the '227 patent is invalid under the requirements of one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112.

**EIGHTH COUNTERCLAIM
(Invalidity of the '384 Patent)**

41. TFC repeats and incorporates by reference its responses in paragraphs 1 through 40 of its Answer to Samsung's Counterclaims, as set forth above.

42. TFC admits that an actual case and controversy exists between TFC and Samsung due to Samsung's infringement of the '384 patent. TFC denies all other allegations.

43. TFC denies these allegations.

44. TFC denies that Samsung is entitled to declaratory judgment that the '384 patent is invalid under the requirements of one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112.

JURY DEMAND

45. TFC reiterates its demand for a trial by jury on all claims, issues, and damages so triable.

Dated: June 8, 2016

Respectfully submitted,

By: 

Cabrach J. Connor

State Bar No. 24036390

Email: cconnor@taylordunham.com

David E. Dunham

State Bar No. 06227700

Email: ddunham@taylordunham.com

Jennifer Tatum Lee

State Bar No. 24046950

Email: jtatum@taylordunham.com

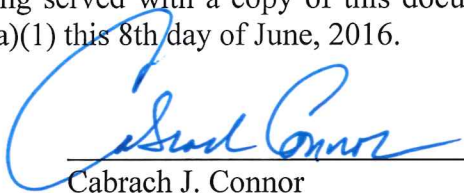
TAYLOR DUNHAM AND RODRIGUEZ, LLP

301 Congress Ave., Suite 1050
Austin, Texas 78701
512.473.2257 Telephone
512.478.4409 Facsimile

**ATTORNEYS FOR PLAINTIFF
TWENTY-FIRST CENTURY
TECHNOLOGIES, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(1) this 8th day of June, 2016.



Cabrach J. Connor